

REMARKS

This is intended as a full and complete response to the Final Office Action dated January 27, 2009, having a shortened statutory period for response extended two months set to expire on June 27, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Specification

The Examiner objected to the specification as failing to provide proper antecedent basis for the limitations in claims 13, 14 and 18. In response, Applicant has amended claims 13 and 14 accordingly. Additionally, Applicant has cancelled claim 18. Therefore, Applicant respectfully requests the objection to the specification be removed.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-7 and 9-20 under 35 U.S.C. § 103(a) as being unpatentable over Hamsund (US 6,511,414) in view of Franz (US 5,707,337). In response, Applicant has amended independent claims 1, 10 and 17.

As amended, claim 1 includes the limitation of a cover having an airflow chamber defined between an outer shell and an inner shell of the cover, wherein the airflow chamber is designed to supply an incubator chamber with air via flow apertures formed in the inner shell. As amended, claim 10 includes the limitation of an airflow chamber on an upper portion of the cover, wherein the airflow chamber is configured such that a turbulent flow is created within the airflow chamber to mix inflowing ventilation air or medicine with airflow in the airflow chamber. As amended, claim 17 includes the limitation an airflow chamber and a plurality of apertures in an inner shell that are configured to ensure admixing of any gases or medicines being added to airflow. The combination of Hamsund and Franz fail to disclose these limitations. Hamsund merely discloses an incubator having a chamber 23 for housing a bottom board 10, wherein ventilation air is supplied to the chamber 23 via ducts disposed around the bottom board 10 (see Hamsund, col. 2, lines 57-65 and Figure 1). Franz merely discloses an incubator having a hood 2, wherein circulating air is drawn downwardly by suction from

the suction channel space 5, which extends around the entire support surface 7 (see Franz, col. 2, lines 54-58 and Figure 2). Therefore, Franz fails to cure the deficiencies of Hamsund.

As the foregoing illustrates, the combination of Hamsund and Franz fails to teach each and every limitation of amended claims 1, 10 and 17 and this failure prevents the combination of Hamsund and Franz from rendering claims 1, 10 and 17 obvious. For these reasons, Applicant submits that claims 1, 10 and 17 are in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection. Additionally, the pending claims or any new claims that depend from claims 1, 10 and 17 are allowable for at least the same reasons as claims 1, 10 and 17.

The Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Hamsund, Franz and Paschal (US 6,418,932). Applicant respectfully traverses the rejection. Claim 8 depends from claim 1. As set forth above, the combination of Hamsund and Franz fails to disclose all the limitations of claim 1. Further, Paschal fails to cure the deficiencies of the combination of Hamsund and Franz. As such, the combination of Hamsund, Franz and Paschal fails to render claim 8 obvious. Therefore, Applicant believes that claim 8 is in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection.

Conclusion

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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